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Sprint Nextel Corporation
And Sprint/United Management
Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELISSA ENG-HATCHER, on
behalf of herself and all others
similarly situated,

Plaintiff,

V.

SPRINT NEXTEL
CORPORATION; and DOES 1
through 10, inclusive,

Defendants.

Case No. 07-CIV-7350(BSJ)(KNF)

Defendants' Motion for Permission to File a Sur-Reply

DEFENDANTS' MOTION FOR PERMISSION TO FILE SUR-REPLY

Defendants Sprint Nextel Corporation and Sprint/United Management Company (collectively referred to as "Sprint" or "Defendants") move this Court for permission to file a sur-reply in further opposition to Plaintiff's Motion for Conditional Collective Certification and Class Certification and state as follows:

With her reply brief, Plaintiff filed a new declaration attaching an e-mail and a memorandum obtained during discovery that she did not discuss, mention, or submit with her original motions for class and conditional certification. Plaintiff's reference to the newly-submitted evidence in her reply overlooks or omits important deposition testimony regarding these documents. The reply brief was the first time Plaintiff made an issue of these documents, and Defendants should be allowed to respond to this newly-submitted evidence.

A memorandum setting forth in detail the grounds for this motion has been filed herewith.

Respectfully submitted this 13th day of August, 2008.

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By: s/Elise M. Bloom

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the within and foregoing “**Defendants' Motion for Permission to File a Sur-Reply**” with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

DATED: August 13, 2008.

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